

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 589
HOUSE BILL 233

AN ACT TO TRANSFER MOORE COUNTY TO JUDICIAL AND
PROSECUTORIAL DISTRICTS 19B.

The General Assembly of North Carolina enacts:

Section 1. (a) G.S. 7A-41(a) reads as rewritten:

"(a) The counties of the State are organized into judicial divisions and superior court districts, and each superior court district has the counties, and the number of regular resident superior court judges set forth in the following table, and for districts of less than a whole county, as set out in subsection (b) of this section:

Judicial Division	Superior Court District	Counties	No. of Resident Judges
First	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2
	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1
	3A	Pitt	2
	3B	Carteret, Craven, Pamlico	2
	4A	Duplin, Jones, Sampson	1
	4B	Onslow	1
	5	New Hanover, Pender	3
	6A	Halifax	1
	6B	Bertie, Hertford, Northampton	1
	7A	Nash	1
	7B	(part of Wilson, part of Edgecombe, see subsection (b))	1

	7C	(part of Wilson, part of Edgecombe, see subsection (b))	1
	8A	Lenoir and Greene	1
	8B	Wayne	1
Second	9	Franklin, Granville, Vance, Warren	2
	9A	Person, Caswell	1
	10A	(part of Wake, see subsection (b))	2
	10B	(part of Wake, see subsection (b))	2
	10C	(part of Wake, see subsection (b))	1
	10D	(part of Wake, see subsection (b))	1
	11A	Harnett, Lee	1
	11B	Johnston	1
	12A	(part of Cumberland, see subsection (b))	1
	12B	(part of Cumberland, see subsection (b))	1
	12C	(part of Cumberland, see subsection (b))	2
	13	Bladen, Brunswick, Columbus	2
	14A	(part of Durham, see subsection (b))	1
	14B	(part of Durham, see subsection (b))	3
	15A	Alamance	2
	15B	Orange, Chatham	1
	16A	Scotland, Hoke	1
	16B	Robeson	2
Third	17A	Rockingham	2
	17B	Stokes, Surry	2
	18A	(part of Guilford, see subsection (b))	1
	18B	(part of Guilford, see subsection (b))	1
	18C	(part of Guilford, see subsection (b))	1
	18D	(part of Guilford,	1

		see subsection (b))	
	18E	(part of Guilford, see subsection (b))	1
	19A	Cabarrus	1
	19B	Montgomery, <u>Moore</u> , Randolph	1 <u>2</u>
	19C	Rowan	1
	20A	Anson, Moore , Richmond	2 <u>1</u>
	20B	Stanly, Union	2
	21A	(part of Forsyth, see subsection (b))	1
	21B	(part of Forsyth, see subsection (b))	1
	21C	(part of Forsyth, see subsection (b))	1
	21D	(part of Forsyth, see subsection (b))	1
	22	Alexander, Davidson, Davie, Iredell	2
	23	Alleghany, Ashe, Wilkes, Yadkin	1
Fourth	24	Avery, Madison, Mitchell, Watauga, Yancey	1
	25A	Burke, Caldwell	2
	25B	Catawba	2
	26A	(part of Mecklenburg, see subsection (b))	2
	26B	(part of Mecklenburg, see subsection (b))	2
	26C	(part of Mecklenburg, see subsection (b))	2
	27A	Gaston	2
	27B	Cleveland, Lincoln	2
	28	Buncombe	2
	29	Henderson, McDowell, Polk, Rutherford, Transylvania	2
	30A	Cherokee, Clay, Graham, Macon, Swain	1
	30B	Haywood, Jackson	1"

(b) The superior court judgeship held on June 12, 1996, in Superior Court District 20A by a resident of Moore County (James M. Webb) is allocated to Superior Court District 19B. The term of that judge expires December 31, 2000. The judge's successor shall be elected in the 2000 general election.

(b1) The superior court judgeship held on June 12, 1996, in Superior Court District 20A by a resident of Anson County (Donald R. Huffman) is allocated to Superior Court District 20A. The term of that judge expires December 31, 2000. The judge's successor shall be elected in the 2000 general election.

(c) G.S. 7A-41(d)(39) reads as rewritten:

"(39) In the nineteenth-B superior court district, Russell G. Walker, Jr., serves a term expiring December 31, 1990. No election shall be held in 1998 for the full term of the seat now occupied by Russell G. Walker, Jr., and the holder of that seat shall serve until a successor is elected in 2000 and qualifies. The succeeding term shall begin January 1, 2001."

Sec. 2. (a) G.S. 7A-133(a) reads as rewritten:

"(a) Each district court district shall have the numbers of judges as set forth in the following table:

District	Judges	County
1	4	Camden Chowan Currituck Dare Gates Pasquotank Perquimans
2	3	Martin Beaufort Tyrrell Hyde Washington
3A	4	Pitt
3B	4	Craven Pamlico Carteret
4	6	Sampson Duplin Jones Onslow
5	6	New Hanover Pender
6A	2	Halifax

6B	3	Northampton Bertie Hertford
7	6	Nash Edgecombe Wilson
8	6	Wayne Greene Lenoir
9	4	Granville (part of Vance see subsection (b)) Franklin
9A	2	Person Caswell
9B	1	Warren (part of Vance see subsection (b))
10	12	Wake
11	6	Harnett Johnston Lee
12	7	Cumberland
13	4	Bladen Brunswick Columbus
14	5	Durham
15A	3	Alamance
15B	3	Orange Chatham
16A	2	Scotland Hoke
16B	5	Robeson
17A	2	Rockingham
17B	3	Stokes Surry
18	11	Guilford
19A	3	Cabarrus
19B	<u>35</u>	Montgomery <u>Moore</u> Randolph
19C	3	Rowan
20	<u>76</u>	Stanly Union

		Anson
		Richmond
		Moore
21	7	Forsyth
22	7	Alexander
		Davidson
		Davie
		Iredell
23	3	Alleghany
		Ashe
		Wilkes
		Yadkin
24	3	Avery
		Madison
		Mitchell
		Watauga
		Yancey
25	7	Burke
		Caldwell
		Catawba
26	14	Mecklenburg
27A	5	Gaston
27B	4	Cleveland
		Lincoln
28	5	Buncombe
29	5	Henderson
		McDowell
		Polk
		Rutherford
		Transylvania
30	4	Cherokee
		Clay
		Graham
		Haywood
		Jackson
		Macon
		Swain."

(b) Each district court judgeship held on June 12, 1996, in District Court District 20 by a resident of Moore County (Michael Earle Beale and Jayrene Russell Maness) is allocated to District Court District 19B. The term of each of these judges expires December 7, 1998. A successor to each judge shall be elected in the 1998 general election.

(c) Each district court judgeship held on June 12, 1996, in District Court District 20 by a resident of Anson, Richmond, Stanly, or Union County (Ronald W.

Burris, Tanya Wallace, Christopher W. Bragg, Susan C. Taylor, and Joseph J. Williams) is allocated to District Court District 20. The terms of Judges Burris, Wallace, Bragg, and Williams expire December 2, 1996. A successor to each judge shall be elected in the 1996 general election. The term of Judge Taylor expires December 7, 1998. A successor shall be elected in the 1998 general election.

(d) The effect of subsections (a) through (c) of this section is also to add an additional district court judgeship in District Court District 20 effective January 1, 1997. The Governor shall appoint a person to fill the vacancy for the remainder of the term expiring the first Monday in December of 2000."

Sec. 3. (a) G.S. 7A-60(a1) reads as rewritten:

"(a1) The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	8
2	Beaufort, Hyde, Martin, Tyrrell, Washington	4
3A	Pitt	7
3B	Carteret, Craven, Pamlico	6
4	Duplin, Jones, Onslow, Sampson	10
5	New Hanover, Pender	9
6A	Halifax	3
6B	Bertie, Hertford, Northampton	3
7	Edgecombe, Nash, Wilson	10
8	Greene, Lenoir, Wayne	8
9	Franklin, Granville, Vance, Warren	8
9A	Person, Caswell	2
10	Wake	20
11	Harnett, Johnston, Lee	10
12	Cumberland	12
13	Bladen, Brunswick, Columbus	6
14	Durham	9
15A	Alamance	6
15B	Orange, Chatham	5
16A	Scotland, Hoke	3
16B	Robeson	7
17A	Rockingham	4

17B	Stokes, Surry	4
18	Guilford	18
19A	Cabarrus	4
19B	Montgomery, <u>Moore</u> , Randolph	<u>5-9</u>
19C	Rowan	4
20	Anson, Moore , Richmond, Stanly, Union	12
21	Forsyth	12
22	Alexander, Davidson, Davie, Iredell	11
23	Alleghany, Ashe, Wilkes, Yadkin	4
24	Avery, Madison, Mitchell, Watauga, Yancey	3
25	Burke, Caldwell, Catawba	11
26	Mecklenburg	24
27A	Gaston	8
27B	Cleveland, Lincoln	5
28	Buncombe	8
29	Henderson, McDowell, Polk, Rutherford, Transylvania	8
30	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain."	6

(b) This section adds four additional assistant district attorneys in prosecutorial District 19B which shall be filled by the district attorney of that district. The General Assembly shall evaluate prior to July 1, 1998, whether the authorized number of assistant district attorneys for District 20 should remain based on case load at 11 or some lower number not less than 9.

Sec. 4. Notwithstanding G.S. 7A-44.1, if any judge who on June 12, 1996, was a senior resident superior court judge ceases to be the senior resident superior court judge for a superior court district as a result of the transfer of a county from one superior court district to another, that judge may nevertheless appoint a judicial secretary to serve that judge's clerical and secretarial needs during that judge's continuation in office, at that judge's pleasure and under that judge's direction.

Sec. 5. (a) Sections 1, 3, and 4 of this act become effective January 4, 1997, or the date upon which those sections are approved under section 5 of the Voting Rights Act of 1965, whichever is later. Section 2 of this act becomes effective January 1, 1997, or the date upon which those sections are approved under section 5 of the Voting Rights Act of 1965, whichever is later. This section is effective upon ratification.

(b) The Superior Court election in Superior Court District 20A in the November 1996 general election for the seat of the superior court judge now residing in

Anson County is not affected by this act and is conducted as previously provided by law.

(c) Effective on the occurrence of the first vacant assistant district attorney position in Prosecutorial District 20 after January 1, 1997, the number of assistant district attorneys in that district in G.S. 7A-60(a1) is amended by deleting "12" and substituting "11".

(d) Effective on the occurrence of the first vacant assistant district attorney position in Prosecutorial District 19B after January 1, 1997, the number of assistant district attorneys in that district in G.S. 7A-60(a1) is amended by deleting "9" and substituting "8". The Administrative Office of the Courts shall notify the Revisor of Statutes as those vacancies occur.

In the General Assembly read three times and ratified this the 20th day of June, 1996.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives